

The 4th January 1893.

No. 11797—R. 1397-92.—Under the provisions of Section 6 of the Land Acquisition Act X of 1870, it is hereby declared that the land attached to the Haltore village of the Belur Taluk described in the Schedule annexed, is required for a public purpose, that is, to be allotted as a cremation ground :—

District.	Taluk.	Hobli.	Village.	Name of Holder.	Particulars of land to be taken up.				Boundaries.
					Description.	Survey No.	Extent.	Assessment.	
Hassan.	Belur.	Madihalli.	Haltore.	Chalava bin Ranga	Wet.	Out of 87 Phod No. 1 which measures, A.—0, G.—25.	A. G. Rs.	A. P.	East.—Singaiya's paddy field. West.—Chelavagauda's do North.— Do do Part of Phod No. 1. South.—Narasimbachar's garden.
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No. 11893—G. F. 332-92.—Under Section 4 of the Land Acquisition Act X of 1870, it is hereby notified for public information that a strip of land will be required for laying pipes between the Hebbal and Sankey's Tanks, Bangalore Taluk.

The 14th January 1893.

No. 11813—R. F. 233-92.—Under Sections 20 and 55 of the Excise Act XXII of 1881, as extended to Mysore by Regulation III of 1885, the Government of His Highness the Maharaja make the following rules :—

PART I.

SYSTEM OF FARMING THE EXCLUSIVE PRIVILEGE OF SELLING DATE TODDY, MODE OF SUPPLYING TODDY TO LICENSED VENDORS, AND THE GRANT OF LICENSES AND PASSES.

I. The exclusive privilege of selling Date Toddy for each year or any period that may be specially fixed by Government shall be disposed of by sale by public auction.

II. For the purpose of selling the exclusive privilege, the Vend farms shall be divided into the following classes :—

1. Where a grove or group of groves, and the shops which are usually supplied by it, are so situated, that the whole

A. Direct supply farms
(*Aiyu*.)

geographically is in one compact tract, the right of drawing toddy from such grove or group of groves and selling the same in such shops, shall be farmed separately; but when the number of shops supplied from a grove or group of groves is more than six, the grove or group of groves shall, with due regard to all local circumstances, be so divided that each division may fully supply the number of shops to be attached to it. The shops supplied as above, and the grove or group of groves so supplying them, shall together form the ordinary toddy farm which shall be designated "*direct supply (Aiyu) farm.*"

2. Where a grove or group of groves is capable of supplying; or has usually supplied, shops other than those attached to it under the "direct supply" system, the farmer of such grove or group of

B. Direct supply farms aiding other farms (*Aiyin Kumki*.)

groves shall undertake to give at a price not exceeding the maximum rate specified in his agreement, the supply required for such other shops (which shall be enumerated in his agreement), in addition to supplying the particular shops attached directly to the grove or group of groves in question. Such a farm shall be called a "*direct and aiding (Aiyin Kumki) farm*." Endeavour shall be made to avoid, wherever possible, such a dual arrangement as the above, by dividing the grove or group of groves in question, in such a manner as to form out of it a "direct supply farm," and a "grove farm," and assigning the latter for the service of a convenient "*Shop farm*."

3. Where a shop or shops situated in a compact tract depend for their supply upon groves situated at a distance (whether or not in the same Taluk or District), such shop or shops shall be farmed (without any groves attached to them) but upon the condition of the farmer buying his supply—

either (a) from specified "*direct and aiding (Aiyin Kumki) farms*,

or, (b) from a specified "*grove farm*" to be

hereafter defined, by paying such price as he may be able to arrange with the holder of the "*direct and aiding farm*" or the "*grove farm*," subject however to the maximum price named in the agreement of the last named farm. A farm for shops only shall be called a "*shop farm*." The holder of every "*shop farm*" shall, wherever possible, be given a "*Grove farm*" capable of supplying his shops, thereby making him independent of other farmers as far as possible.

4. Where groves exist which are not required to be included in any "*direct supply farm*" or "*direct and aiding farm*,"

D. Grove Farm.

they shall be separately farmed, and such farms called "*grove farms*." The toddy drawn under such farms shall not be sold to the public, but may be sold to any "*shop farm*" or used, in very exceptional cases, for the manufacture of jaggory and sugar under Government supervision. The number of persons holding "*grove farms*" without "*shop farms*" in which the produce can be used, shall be as small as possible.

5. Pending the settlement of Toddy Revenue due to Inamdars and Kayam-guttadars, the right of those entitled to Toddy Revenue shall be farmed separately, and not mixed up with Government farms; such farms shall be called "*farms in alienated villages*."

III. The sales shall be conducted by the Deputy Commissioner or an Assistant Commissioner authorized by the Deputy Commissioner in that behalf.

IV. The results of sales shall be reported to the Excise Commissioner without delay.

V. The terms and conditions of sale and the grant of farms and issue of licenses shall be as follows:—

1. The exclusive privilege of selling date toddy in the aforesaid farms shall be put up to auction at upset prices, and knocked down to the approved highest bidder above those prices, subject to the formal confirmation by the Deputy Commissioner who will be at liberty to accept or reject the

bid at discretion without assigning reasons for the same. Such formal confirmation will be tantamount to an acceptance of the bid. Should there be no bid above the upset price, the officer conducting the sale may lower the upset price at discretion. The condition and character of intending bidders may be enquired into; and the officer conducting the sale may, at the time of sale, refuse to receive the necessary deposit which entitles a bidder to bid, from persons regarding whom the result of such enquiries is not satisfactory. No former contractor who has been guilty of an infringement of the terms of his contract or of the Excise Laws or Rules shall be entitled to bid. The officer conducting the sale shall not be bound to accept the highest bid, should he consider it to be so extravagantly high as to afford apprehension of the lease breaking down. As a rule the results of the sales shall be confirmed except when it is believed that there has been combination among the bidders or when the character of the successful bidder is considered unsatisfactory or he is not believed to be solvent or fit to carry out the lease.

2. Parties intending to bid must attend either in person or by duly authorized agents, and no person shall be permitted to bid either on his own behalf or on account of any one else until he has deposited Rs. 50, or such other reasonable amount as may be fixed by the officer conducting the sale. The deposits made by the unsuccessful bidders, and not forfeited as hereinafter provided, will be returned at the close of the sale. The successful bidder must, on the exclusive privilege being knocked down to him, and before the next farm is put up for sale, deposit a sum equal to one-twentieth of the amount of his bid, and within fifteen days of the confirmation of the sale having been notified to him by the Deputy Commissioner in writing, he must deposit such further sum as, with the former deposit, will make up an aggregate sum equal to three months' rent in cash or Government securities. Provided that, if the Deputy Commissioner considers it advisable, he may permit a deposit in cash or Government securities equal to only two months' rent, or such deposit equal to one month's rent and personal security for three months' rent. If the successful bidder fails to produce the aforesaid securities, the deposits already made shall be forfeited, and the exclusive privilege shall be immediately resold or otherwise disposed of as the Deputy Commissioner may direct.
3. Resales effected under para 2 shall be at the risk of the defaulting bidder who shall forfeit all gain, and in the event of a loss by the resale, shall make good the deficiency between the total amount payable by him for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the resale. In the latter case, the forfeited deposit shall be deducted from the loss arising from the resale; and the remainder, if any, shall be recovered from the bidder in the same manner as if it were an arrear of Land Revenue. Should, however, the forfeited deposit be greater than the loss by resale, the whole of such deposit shall be credited to Government.
4. The purchaser of the exclusive privilege shall sign an agreement binding himself to observe the conditions hereinafter set forth; and the agreement shall be executed within ten days of the expiry of the period of fifteen days above mentioned. If the purchaser fails or refuses to sign the agreement, all deposits already made shall be forfeited; and the exclusive privilege shall be resold at the risk and loss of the first purchaser as set forth in paras 2 and 3, or be otherwise disposed of. In the case of the purchaser's death after the confirmation of the sale, it shall be binding on his heirs or assigns.

5. A statement of shops in each farm, and the groves attached to each farm, shall be shown to the intending bidders at the time of sale.
6. As soon as the agreement has been executed, the Deputy Commissioner shall issue a license in the appended Form A to the purchaser of each farm assigning to the purchaser the exclusive privilege referred to therein, subject to the following conditions :—
 - (1.) The exclusive privilege shall extend only to the sale of Date Toddy, and shall not include the sale of Bagani Toddy.
 - (2.) The amount for which the exclusive privilege has been purchased shall be payable by the licensee into the local Taluk Treasury on the prescribed printed challans, furnished by the Government for the purpose, in equal monthly instalments commencing from the first month of the lease, together with the local cess of one anna on every rupee of such instalment. Each instalment shall be regarded as the rent for the month in respect of which it is payable. Each month's rent together with local cess thereon shall be payable on or before the 15th of the month following. The challans shall be in triplicate in the appended Form C. The original shall accompany the Treasury "Daily Cash" account sent to the District Treasury, the duplicate forwarded by the Taluk Treasury Officer to the Deputy Commissioner's Office, and the triplicate retained with the licensee.
 - (3.) The deposit made by the licensee shall be taken in payment of the instalments due in the last months of the period of the farm. Failing payment of each monthly instalment by the 15th of the next month, together with local cess, the Deputy Commissioner shall recover the same from the licensee or his surety, under the rules in force for the recovery of Land Revenue, together with interest at 6 per cent per annum. No remission or abatement of the rent shall, on any account whatever, be claimable by the licensee.
 - (4.) The toddy shall be sold to the public at the rates from time to time prescribed by Government.
 - (5.) The toddy shall be sold pure as drawn from trees and shall not be adulterated or diluted in any manner in the farm dépôts, if any, or in shops.
 - (6.) The licensee shall keep true accounts of the quantity of toddy received and issued to shop-keepers. The passes issued with the toddy transported shall be subject to examination and check by the Officers authorized on this behalf.
 - (7.) The toddy shall not be sold except in shops duly licensed by the Deputy Commissioner, in the prescribed form, and no new shops shall be opened without the previous sanction of the Excise Commissioner.
 - (8.) The Deputy Commissioner may, whenever he thinks fit, direct any shops to be closed, or permit transfers of shops from one place to another.
 - (9.) The licensee shall not, during the term of the license, have any interest in the exclusive privilege of vending arrack in any part of the farm to which the license relates, nor permit any person having interest in the exclusive privilege of vending arrack in any part of the farm, to hold any share or interest in his exclusive privilege of

selling toddy, nor shall he, during the term of his license, without the written permission of the Excise Commissioner, have any interest, direct or indirect, in any Toddy farm in any adjacent Districts of the Madras or Bombay Presidency or in any other adjacent Foreign State or Territory.

- (10.) The licensee shall be bound by the provisions of the Excise Laws and Rules in force, or by any additional rules which may from time to time be prescribed under the Excise Laws. The licensee shall use such measures as may from time to time be prescribed by Government, and provide himself with Permit books for the transport of Toddy, which books may be purchased from local Excise Officers.
- (11.) The lease shall not be transferable except with the permission of the Excise Commissioner.
- (12.) The Deputy Commissioner shall grant to each shop under the farmers a license in the appended Form B.
- (13.) The licensees of shop farms in the taluks bordering on British Territory, may import and export toddy from and to the Districts of Bellary, Anantapur, Cuddapah, North Arcot, Salem and Coimbatore in the Madras Presidency, subject to para 4 of Rule 170, in Chapter XI of the Standing Orders of the Madras Board of Revenue.

7. In case of any breach of the aforesaid conditions, or of the license, either by the licensee, or with his connivance or privity by any person in his employment, or in the event of the licensee neglecting to open his shops or to carry on the business of his farm with due care and attention, it shall be competent to the Deputy Commissioner to impose upon the licensee of each vend farm a fine not exceeding the sum of Rs. 50, for every such breach, or at the option of the Deputy Commissioner to declare the money deposited with him forfeited, and to cancel the license and resell the exclusive privilege at the risk of the licensee, or to place the farm under the management of Government. When a lease is cancelled, the rent for the whole period of the lease shall become due at once; and all loss caused to Government by the cancelment or resale of the lease, shall be made good by the licensee or his surety in the manner specified for resales under para 3 of Rule V above. All the amounts of such penalties and loss shall be recovered in the same manner as if they were arrears of Land Revenue.

8. The imposition of a fine or the forfeiture of deposit or the cancellation of the license under the last preceding condition, shall not be held to prevent the prosecution of the licensee or his agents or employes for any offence punishable under the Excise Laws or other enactments or rules for the time being in force.

VI. Of the amounts paid by the licensee into the Taluk Treasury as per chellans C, under clause (2) of Para 6 of Rule V, the rent shall be credited at once to the appropriate budget head "Excise Revenue," and the local cess to the head "Local Cess on Excise Revenue." The District Treasury Officers shall furnish to the Excise Commissioner monthly statements of realizations on account of Toddy rent and local cess thereon, under separate headings by dates in the form prescribed by the Comptroller.

VII. On receipt of the duplicate chellans referred to in clause (2) of Para 6 of Rule V, at the District Office, they shall be compared and verified with the figures in the monthly Abkari Revenue Statements No. 6 and 6A received from the Amildars.

The Statements No. 6 and 6A compiled for the whole District shall then be forwarded to the Excise Commissioner's Office, where they shall be compared and verified with the Treasury monthly statements. The Excise Commissioner shall thereupon prepare Statements No. 6 and 6A for the whole Province and send them to the Dewan's Office after obtaining the Comptroller's certificate of credits.

PART II.

MISCELLANEOUS.

VIII. The duties to be performed, and the accounts, diaries and reports to be furnished by all Officers and Amildars, the executive members of the Excise Department and village officials, shall be such as may, from time to time, be ordered by the Excise Commissioner.

IX. Except as otherwise provided, all orders passed and proceedings taken by Officers of the Excise Department under the provisions of these rules, shall be subject to appeal to their immediate superiors, within two months from the date of the passing of such orders or proceedings.

X. The Officers of the Excise Department, and farmers and shop-keepers or their agents shall conform to such rules of practice as may, from time to time, be issued by the Excise Commissioner, not inconsistent with the provisions of the Excise Act and these rules.

XI. The following persons are hereby empowered to grant passes or permits for possession or transport of toddy in such forms as may be prescribed by the Excise Commissioner:—All the members of the Excise Department not below the rank of Abkari Inspector, Assistant Commissioners, Amildars, Sheristadars, Shekdars, and farmers or their agents.

XII. Date trees shall be tapped only by professional men. Young immature trees that have stems less than three feet from the springing of branches, shall not be tapped. Provided that, in places where the trees are stunted in growth, an exception may be made by the Deputy Commissioner, the age of the trees being taken into consideration after due enquiry.

XIII. Date trees for tapping for the purpose of extracting toddy shall be reserved. Licenses for cutting and removal of leaves by professional rope-makers, basket-makers, &c., and by agriculturists, under such rules as may be issued by Government under the Forest Regulation, shall be restricted only to the groves or trees not reserved for the purposes of toddy revenue, and may extend, in groves or trees reserved, to the removal of date leaves cut by toddy farmers for the purpose of drawing toddy.
